

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KONINKLIJKE PHILIPS N.V.,

Plaintiff,

v.

Civil Action No. 20-1708-CFC

TELIT IOT SOLUTIONS, INC.,
and TELIT COMMUNICATIONS
LTD,

Defendants.

MEMORANDUM ORDER

Pending before me is Koninklijke Philips N.V. (Philips) Motion for Summary Judgment. D.I. 144. In Philips' Concise Statement of Facts in Support of Motion for Summary Judgment, Philips states that it "never intentionally delayed in identifying any patents to ETSI." D.I. 146 ¶ 43. In support of this statement of fact, Philips relies on a declaration by Kevin Scott, an attorney responsible for preparing and submitting IPR Information Statements and Licensing Declarations to ETSI on Philips' behalf. D.I. 158 ¶¶ 2,10. Telit IoT Solutions, Inc. and Telit Communications Ltd (collectively Telit) deny this asserted fact and cite record evidence that appears on its face to contradict Philips' statement. *See* D.I. 155 at 19–20 (citing D.I. 161-3 at 251:17–253:9) (Scott

testifying that Philips intentionally did not declare patents as standard essential until after the standard was enacted.)

Because there is a disputed fact that is material to Philips' motion for summary judgment, I will deny the motion. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (holding that summary judgment will not lie if there is a genuine dispute about a material fact).

NOW THEREFORE, at Wilmington on this Twenty-first day of November in 2023, Telit IoT Solutions, Inc.'s Motion for Summary Judgment (D.I. 154) is **DENIED.**



CHIEF JUDGE